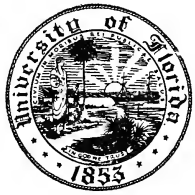

APME FACT GUIDE on the FREE PRESS–FAIR TRIAL DEBATE

Presented by The Associated Press Managing Editors Association

THE ASSOCIATED PRESS MANAGING EDITORS ASSOCIATION (1965)

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The Associated Press Managing Editors Association

March, 1965

Dear APME Member:

I hope that you will make good use of this excellent summary of the Free Press and Fair Trial Debate.

It is being distributed by APME as a reference for managing editors and their staffs who may wish to editorialize or speak on this subject.

It is important that every editor keep abreast developments in this controversy. They are frequent and fully reported by The Associated Press. This report will need updating, and APME from time to time will bring you the significant changes.

Our thanks for this summary go to Richard Smyser, the APME Freedom of Information chairman; I. William Hill, APME Secretary, and The Washington Star's Supreme Court reporter, Dana Bullen.

I consider this an outstanding contribution by APME in our effort to get the facts of the issue before the public.

George Beebe, President
Associated Press Managing
Editors Association

A FREE PRESS AND A FAIR TRIAL

PRESS COVERAGE of legal proceedings, including criminal investigations, trials and pre-trial activities, has been discussed by journalists and lawyers for years.

But the present debate—sparked by the events in Dallas after the Kennedy assassination and marked by proposals to limit news gathering—is getting out of hand.

In the name of preserving a defendant's constitutional right to a fair trial, the danger is growing that the constitution's command of a free press may be impaired.

This would be tragic, and it is unnecessary.

It can only happen if those alert to the importance of both a free press and a fair trial fail to see to it that the discussion presents the full story on both sides.

This material is for those who want to help tell the press' story—in editorials, in talks to the Kiwanis or other local groups and in conversations with friends.

Each editor will have his own interpretation. What is important is that the press be heard.

Some of the basic arguments

Lawyers	Newsmen
1. Press coverage interferes with the conduct of trials and criminal investigations.	1. Public scrutiny insures that proper standards—not Star Chamber or third degree methods—will be observed.
2. The press is interested mainly in sensationalism and "selling newspapers."	2. The press is interested in—indeed dedicated to—providing the information the public needs to direct the course of a democratic society.
3. The right to a fair trial is more important than the right of the press to gather and present the news.	3. Both rights are important, and one need not be sacrificed if the other is to survive.

4. The press has proved—in Dallas and elsewhere—that it can't handle the problem itself.	4. Unpretty examples can be cited on both sides. They are exceptions that all agree must be studied. Steps are being developed to avoid such problems. Pool coverage may provide one answer.
5. If lawyers and police officers would censor what they tell reporters, improper material would not get into the newspapers.	5. Perhaps, but any general gag rule—or one interpreted as such—would keep much necessary information secret too.
6. How can a person have a fair trial if it's on television?	6. This is a special situation for which specific answers must be worked out rather than broad limitation of all news gathering.

Of course, there are many other arguments on both sides. What is important is to have realistic answers to what some lawyers appear to consider unanswerable questions.

Roots of the debate

The supremely important fast-breaking story of President Kennedy's assassination in Dallas on November 22, 1963, required maximum press coverage in the face of near chaos.

The speed and accuracy of the coverage was phenomenal. The press answered the shock and concern of the American people with prompt reporting on every facet of this sad historic event.

The sheer competence of the job that was turned in was underscored when the Warren Commission report came out—months later. There were no surprises in the carefully-prepared report.

But the report turned a spotlight on another aspect—the conduct of the press in doing its job.

"Bringing with them cameras, microphones, cables, and spotlights, the newsmen inevitably spilled over into areas where they interfered with the transaction of police business and the maintenance of security," the report said.

"A fundamental objection to the news policy pursued by the Dallas police . . . is the extent to which it endangered Oswald's constitutional right to a trial by an impartial jury.

"The courtroom, not the newspaper or television screen, is the appropriate forum in our system for the trial of a man accused of crime," the report stated.

On a second point, the commission said that the press shared part of the responsibility for the circumstances surrounding the killing of Oswald in the Dallas police station.

The commission called for promulgation of standards of professional conduct covering representatives of all news media. It urged bar, police and news media to work together on this.

"The experience in Dallas during Nov. 22-24 is a dramatic affirmation o the need for steps to bring about a proper balance between the right of th public to be kept informed and the right of the individual to a fair an impartial trial," the report said.

Scope of the problem

Lawyers and bar association groups are concerned about publication o several types of information said to possess the capacity to prejudic potential jurors. Nobody actually knows what influences jurors, howeve

These are the main items objected to:

1. Confessions or incriminating statements.
2. References to a defendant's prior police record.
3. Remarks on "open and shut cases."
4. Evidence that can't be used at trial.
5. Details considered "indecent" or inflammatory.

To keep such material out of the press, the lawyers propose, in th main, rules or codes to limit what police officers and lawyers can say abou a case. The aim is to shut off news at the source.

In New Jersey, the State Supreme Court ruled last November tha prosecutors and defense attorneys may not discuss confessions, records o their belief in a defendant's innocence or guilt.

An immediate effect was that police and prosecutors in some com munities put a blackout on all police news, although it has since been e plained that the court had no intention of encouraging this.

The big problem about such blanket rules is their administration. Wh knows what evidence will be admitted later at a trial? The temptatio may be to play it safe and bottle up all information.

Keeping secret vital information in a criminal case that might not b scheduled for trial for months, or even years, also can present another- even worse—temptation.

Corrupt members of a prosecuting attorney's staff or police officia could quietly remove from the files damaging evidence about which th public knows nothing. It has happened.

Will coerced confessions be more or less likely if news about suc statements is suppressed? Will steps to curb crime be more or less effec tive if the public thinks all defendants are first offenders?

Who decides what details of a case are too "indecent" or "inflamma tory" for the public to know? The police chief? The district attorney? Th judge? What else might be covered up this way?

And if a bar association or court-ordered code is universally adopte couldn't this lead to similar codes for the medical societies, the sheri associations, the welfare department, etc.—all in the guise of protectin the patient, the accused and the indigent?

Where is the answer?

The answer lies in a willingness on the part of both the press and th bar to try to understand more deeply the problems and goals of the othe Just shouting at each other doesn't help.

Lawyers must understand that editors, too, are concerned about fair rials. Editors must appreciate that lawyers, too, are committed to the im-)ortance of having a free press.

Joint discussion of such problems should be encouraged. Both must un-lerstand that they can't tell the other fellow what to do. In fact, just dis-:ussing it may resolve the problem.

What is being done?

Here is a roundup of major activity since the Warren Commission re-)ort. Some localities have been tackling the situation by themselves, but ıational groups of lawyers and judges are moving toward broader steps.

Names of persons active in the various programs—or places where more nformation can be obtained—are mentioned wherever possible so that editors desiring additional facts, progress reports or specific documents can obtain these. There may be opportunities for missionary work, too.

New Jersey Court Decision

The ruling of the New Jersey Supreme Court curbing statements by prosecutors, police and defense attorneys mentioned earlier was handed down Nov. 16 in the case of Louis Van Duyne.

Van Duyne claimed newspaper stories prejudiced his chance for a fair trial on a charge of beating his wife to death in an alley. The State Supreme Court, 7-0, upheld the conviction.

Justice John J. Francis, who delivered the opinion, said that all 14 jurors stated they would not be prejudiced by the newspaper accounts and that there was no evidence to disprove this.

But, he said, "unfair and prejudicial newspaper stories and comment both before and during trial of criminal cases are becoming more and more prevalent throughout the country."

Stories had stated that Van Duyne had been "arrested at least ten times," was "accused of brutally beating his wife," and had told police, "You've got me for murder, I don't desire to tell you anything."

While attempting to set out rules limiting crime and court news, the New Jersey court—in its actual ruling—held that what was published did not warrant reversal of Van Duyne's conviction.

Philadelphia Bar Association Guidelines

Guidelines recommended last Dec. 29 by the Philadelphia Bar Association—and now under study—deal specifically with the role of police, lawyers, judges and press in a variety of situations.

Under the plan, only the head of the police department or certain authorized ranking officials could give out information on criminal matters. Individual officers would be forbidden to do so.

All attorneys, whether defense or prosecution, are directed to refrain from making any statements concerning a pending criminal case. The press is told it "should not request" certain items such as police reports.

"During the investigation of a crime," the proposed guidelines state, "information should not be furnished unless the publicizing of certain aspects of the case will help the investigation."

The code calls upon police and prosecutors to withhold information that would not be allowed into evidence at a future trial, as well as facts considered "intimate," "sordid" or not in "good taste."

The Philadelphia bar proposals, which are not to be implemented pending discussions between bar representatives and news media and law enforcement representatives, have run into some sharp criticism.

Mayor James H. J. Tate, who refused to instruct police to comply with the code, said that the public's right to know "is one of the fundamentals of American life, while a blanket of secrecy is a danger to any people."

John C. Bell Jr., chief justice of Pennsylvania's Supreme Court, said that "if a free press, which is constitutionally guaranteed, is muzzled or gagged, crime will run even more rampant."

A committee of Pennsylvania publishers and editors created to oppose the measure is headed by William E. Strasburg, a Fort Washington newspaper publisher, and editor Donald Keith of The Easton Express.

The full text of the Philadelphia code was carried in the Feb., 1965, issue of the American Bar Association Coordinator, published by the American Bar Center, 1155 E. 60th St., Chicago, Ill.

American Bar Association

As part of a $750,000 project to set out uniform standards for the administration of criminal justice, the American Bar Association has created a special free press—fair trial advisory committee.

The group was formed to implement the Warren Commission recommendation for joint action by representatives of the bar, law enforcement associations and news media on free press—fair trial matters.

Justice Paul C. Reardon, of the Supreme Judicial Court of Massachusetts, is chairman of the bar unit. It will work closely with another ABA unit now revising lawyers' canons of ethics.

The aim of the Reardon committee, said Lewis F. Powell Jr., ABA president, of Richmond, Va., will be to consider the responsibilities of lawyers, police and the press in avoiding prejudicial publicity.

Members of the ABA free press—fair trial committee are:

Judge Edward J. Devitt, U.S. Courthouse, St. Paul, Minn.; Judge Wade H. McCree Jr., U.S. Courthouse, Detroit, Mich.; Judge Bernard S. Meyer, New York Supreme Court, Mineola, N.Y.

Also, Grant Cooper, Los Angeles, Cal.; Dean Robert M. Figg, University of South Carolina Law School, Columbia, S.C.; Abe Fortas, Washington; Ross L. Malone, Roswell, N.M., former ABA president.

And, Robert G. Story, Dallas, Texas, former ABA president; Lawrence E. Walsh, former U.S. deputy attorney general, New York, N.Y., and Daniel P. Ward, Cook County state's attorney, Chicago, Ill.

The second ABA committee, at work on revision of lawyers' canons of ethics, is headed by Edward L. Wright, of Little Rock, Ark., a former chairman of the ABA House of Delegates.

There have been moves to tighten rules on lawyers' pre-trial statements about criminal cases, but action on this was deferred by the ABA last summer to await general revision of its canons of ethics.

National Conference of State Trial Judges

A code for judges urging them to prevent lawyers or parties to a case from making statements about pending cases outside the courtroom is being developed by the National Conference of State Trial Judges.

If finally approved by the conference, the code will be distributed to the nation's 3,500 state trial judges with the recommendation that individual states adopt similar codes tailored to local circumstances.

The section on statements to the press is part of a much larger document, now in draft form, covering many aspects of trial activity. Chairman of this committee is Judge Robert L. McBride, of Dayton, Ohio.

An executive committee of the conference has given preliminary approval for a study of the effect of news reports upon jurors in criminal cases, and financing for the study is being sought.

Sen. Morse's Bill

A bill introduced by Sen. Wayne Morse, D-Ore., and backed by the U.S. Judicial Conference, would make it a contempt of court to disclose certain information that "might affect" a federal criminal case.

The proposed legislation, which 14 other senators joined in sponsoring, provides fines up to $1,000 for release of such information that has not been admitted at trial or filed with a court.

The bill covers action by "any employee of the United States, or . . . any defendant or his attorney or the agent of either." The Judicial Conference includes the nation's top federal judges.

Justice Department

Attorney General Nicholas deB. Katzenbach is preparing an order limiting the information that can be put out by representatives of the department, including local U.S. Attorneys and the FBI.

An initial draft limited pre-trial releases to a copy or summary of the charge, the defendant's name, age, residence, employment, marital status, place and time of arrest and the arresting agency.

Television

The Supreme Court has agreed to rule whether televising of some courtroom proceedings in the Billie Sol Estes case infringed his constitutional rights at his 1962 state court swindling trial.

The justices refused to hear other claims of Estes dealing with the alleged impact of news reports on jurors. The ABA is backing Estes in a friend-of-the-court brief on the television point.

Other Developments

These are just the major developments. The free press-fair trial issue has been discussed at virtually every city, county and state bar association meeting and judges' conference within the past six months.

In addition:

1. A Rhode Island Superior Court granted a mistrial last Jan. 19 because a defendant's criminal record was published in a local newspaper.

2. A Nevada Supreme Court justice last Dec. 21 advised district attorneys and police to stop giving out information that might prejudice cases.

3. A Superior Court judge in San Bernardino, Cal., last Dec. 7 granted a mistrial in a murder case on the ground adverse publicity may have made it impossible to select an impartial jury.

4. In Pennsylvania, a new state court ruling bans taking of pictures and use of recording equipment at hearings before judges, magistrates, aldermen and justices of the peace.

5. A Massachusetts judge said at a trial: "I also tell you that you are not to print or reprint any articles that may have appeared in the press at an earlier date; for example, upon arrest or arraignment of the defendant."

6. In Ohio, the State Judicial Conference has asked state judges to comment on a proposed code that would prohibit statements thought to interfere with a fair trial and would limit the number of reporters at a trial.

Clearly there is cause for concern.

What is the press doing?

Virtually all the major organizations representing news media have advised a careful study with the view of seeing that both the freedom of the press and the right to a fair trial are protected.

Some spokesmen have urged that action on all sides await the outcome of a massive study of mass media coverage of governmental processes proposed by the Brookings Institution.

The project, for which funds are being sought, would provide a factual basis for resolving free press–fair trial issues. It would sort out "truth and error mingled in these claims" on both sides.

The study would investigate such questions as:

What, in fact, is prejudicial publicity?

Are the old remedies of change of venue or continuance no longer adequate?

Can the average reasonable man, once possessed of prejudicial information, recover his neutrality when he sits on a jury?

How should the courts react?

The answers to these, and many other, questions would take the guesswork out of the present situation and permit press and bar representatives to arrive at realistic solutions.

The present danger is that–lacking this information–false solutions may be arrived at that impair important rights needlessly.

Here are some of the other major developments:

American Newspaper Publishers Association

President Gene Robb, publisher of The Albany (N.Y.) Times-Union and Knickerbocker News, has named a 12-member committee of prominent newspaper executives to study free press-fair trial issues.

"The public interest is paramount in any consideration of these two constitutional guarantees—a free press under the First Amendment and a fair trial under the Sixth Amendment," Robb said.

"Those few instances where they appear to be in conflict should be resolved without any loss of our liberties," he said.

"Indeed, the studies now embarked upon concerning the relationships of a fair trial and a free press ought to help preserve and strengthen both," Robb said. "That is our purpose."

The ANPA committee is headed by D. Tennant Bryan, president and publisher of The Richmond (Va.) Times-Dispatch and News Leader and a past president of the publishers association.

At its first meeting, the ANPA committee ordered a staff report on constitutional history and legal precedents and on the role of newspaper coverage in the administration of justice.

The report was planned to be ready April 1. The ANPA committee is in touch with the American Bar Association free press—fair trial group, and further meetings with the ABA are expected.

Members of the special ANPA committee are:

Otis Chandler, publisher, The Los Angeles Times; Jack R. Howard, president, Scripps-Howard Newspapers, New York City; W. D. Maxwell, first vice-president and editor, The Chicago Tribune; Paul Miller, president, Gannett Newspapers.

Also, Benjamin M. McKelway, vice-president and editorial chairman, The Washington Star; Sam A. Ragan, executive news editor, The Raleigh (N.C.) News & Observer and Raleigh Times; Vermont C. Royster, editor, The Wall Street Journal.

And, Arthur Ochs Sulzberger, president and publisher, The New York Times; Robert L. Taylor, president and publisher, The Philadelphia Bulletin; Louis A. Weil Jr., publisher and editor, The Lansing (Mich.) State Journal, and Robert M. White II, president and editor, The Mexico (Mo.) Ledger.

American Society of Newspaper Editors

A special ASNE committee on press access was named by president Miles H. Wolff, executive editor of the Greensboro (N.C.) News, immediately after the assassination of President Kennedy.

The committee, headed by Alfred Friendly, managing editor of The Washington Post, is promoting study and discussion of free press-fair trial issues. The group has made several interim reports.

Discussing bar proposals, Friendly said, "The restrictions could create machinery of suppression full of worse dangers, and more frequent ones, than those with which the bar charges the press."

In a speech at a Connecticut bar seminar, Friendly said that many real or fancied problems "can be eliminated by some common-sensensical . . . essentially moderate cooperative steps."

Members of the special ASNE committee are: Creed Black, of The Chicago Daily News; Herbert Brucker, of The Hartford Courant, and Felix R. McKnight, of the Dallas Times Herald.

At president Wolff's suggestion, 17 representatives of various professional news organizations met in Washington last Oct. 17 to consider questions of news coverage raised by the Warren Commission.

The group recommended creation of a joint media steering committee to serve as a clearing house for ideas about such things as pool coverage of news events and free press-fair trial matters.

The joint committee was to include representatives from the ASNE, Radio-Television News Directors Association, National Press Photographers Associations, AP Managing Editors Association and Sigma Delta Chi.

Associated Press Managing Editors Association

A "blue ribbon" APME committee was appointed by past President Sam Ragan, executive editor of Raleigh (N.C.) News and Observer and Times, to meet with corresponding American Bar Association groups.

"Our purpose is to meet with . . . members of the bar, judges and law enforcement officers to see that the rights of all people are preserved," he said. "We could not have a fair trial without a free press."

"This is something that we feel can be discussed intelligently without sacrificing the rights of anyone," Ragan said. "I do not feel that a free press and a fair trial are incompatible."

George Beebe, current President of APME and managing editor of The Miami Herald, is chairman of the special APME committee.

Members include:

Clifton Daniel, managing editor of The New York Times; William B. Dickinson, managing editor of The Philadelphia Bulletin; I. William Hill, managing editor of The Washington Star; Felix R. McKnight, executive editor of The Dallas Times Herald; and Richard Smyser of The Oak Ridger, Oak Ridge, Tenn.

Press Summary

While none of the press groups have announced formal views on free press-fair trial matters, a consensus on several matters may be predictable.

1. It appears that under the First Amendment's guarantee of freedom of the press codes to regulate the conduct of newsmen are unenforceable. As a practical matter, this is true, too.

2. Pool coverage, while possibly decreasing the flow of information to which the public is entitled, may be necessary in certain situations requiring a minimum number of newsmen.

3. News organizations should consider possible steps they can take themselves to avoid any dangers there may be of news media interference in the administration of justice.

4. Full and frank discussions between news media, the bar, law enforcement agencies and the bench might do much to solve some problems of court and crime news coverage.

5. It may be that problems of this type that arise in a free society can never be solved completely and finally because no one right may override another.

The answer in Oregon

The press and bar in Oregon adopted a joint statement of principles two and one-half years ago that Robert C. Notson, managing editor of The Portland Oregonian, believes has served them well.

The statement was developed out of joint discussions at a time when there was agitation in the bar and the legislature for a law restricting access to pre-trial information.

"We wanted to get the bar, press and broadcasters on the same wave length, each in full appreciation of the duties and responsibilities of the other," Notson said in a Jan., 1965, ASNE Bulletin article.

The statement was adopted by the Oregon Newspaper Publishers, the Oregon Bar and the Oregon Broadcasters. The committee stayed in existence to hear any complaints that might arise.

"The committee has yet to receive its first substantial complaint," Notson said. "Meanwhile," he added, "the talk of legislative remedy has died completely away."

"I can find nothing in the Oregon statement to which any editor could not gladly subscribe, and that is far enough for the present," he said. "Perhaps it is as far as we ever need go."

Here is the Oregon statement:

"Oregon's Bill of Rights provides both for fair trials and for freedom of the press. These rights are basic and unqualified. They are not ends in themselves but are necessary guarantors of freedom for the individual and the public's rights to be informed. The necessity of preserving both the right to a fair trial and the freedom to disseminate the news is of concern to responsible members of the legal and journalistic professions and is of equal concern to the public. At times these two rights appear to be in conflict with each other.

"In an effort to mitigate this conflict, the Oregon State Bar, the Oregon Newspaper Publishers Association and the Oregon Association of Broadcasters have adopted the following statement of principles to keep the public fully informed without violating the rights of any individual.

"1. The news media have the right and the responsibility to print and to broadcast the truth.

"2. However, the demands of accuracy and objectivity in news reporting should be balanced with the demands of fair play. The public has a right to be informed. The accused has the right to be judged in an atmosphere free from undue prejudice.

"3. Good taste should prevail in the selection, printing and broadcasting of the news. Morbid or sensational details of criminal behavior should not be exploited.

"4. The right of decision about the news rests with the editor or news director. In the exercise of judgment he should consider that:

"(a) an accused person is presumed innocent until proved guilty;

"(b) readers and listeners are potential jurors;

"(c) no person's reputation should be injured needlessly.

"5. The public is entitled to know how justice is being administered. However, it is unprofessional for any lawyer to exploit any medium of public information to enhance his side of a pending case. It follows that the public prosecutor should avoid taking unfair advantage of his position as an important source of news; this shall not be construed to limit his obligation to make available information to which the public is entitled.

"In recognition of these principles, the undersigned hereby testify to their continuing desire to achieve the best possible accommodation of the rights of the individual and the rights of the public when these two rights appear to be in conflict in the administration of justice."

Another view

It also can be argued that such statements are unnecessary, entangling and an inroad on a free press—even when they may reflect what an editor would do anyway.

Police do not have to expound theories about a crime to reporters. Lawyers are not required to plead their cases to the press. There are other means of offsetting possibly prejudicial publicity.

For example, blue ribbon juries, waiver of jury, severance, voir dire questioning of prospective jurors, strikes for cause, peremptory challenges, locking up a jury, jury instructions.

Also, change of venue, continuances, mistrials, new trials, contempt, habeas corpus and other post conviction relief.

And in England

The British practice is to punish as contempt of court virtually any publication about a defendant in a criminal case before trial except the bare fact of his arrest.

There are reasons why this would not work here. For one thing, our written constitution contains the First Amendment. For another, cases are tried in England much more quickly than here.

U.S. lawyers usually cite Britain's severe restrictions upon newspapers as the ideal of open-handed justice they seek in this country.

They fail to mention, however, that the British popular press is filled with gore, crime and smut to a degree that is unknown in this country.

Why is coverage of crime and court news important?

In the present situation, it is perhaps helpful to keep in mind some of the reasons why coverage of crime and court news is important.

Here are some of the reasons:

1. To allow the public to see how its police, prosecutors and judges perform their jobs.

2. To assure the public that the police and courts are acting fairly, that innocent men are not going to jail.

3. To calm a community disturbed over an outbreak of crime that the likely suspect has been taken into custody.

4. To point up any needed reforms.

5. To enable the public to know accurately what the crime problem may be in a community.

6. To enable the public to know what is, or is not, being done about such a problem.

7. To assure the public that fair decisions are being handed down on civil matters involving the government or big corporations and the public.

8. To prevent third degree methods in police stations.

9. To show publicly what happens to criminals; that crime does not pay.

10. Because public justice is part of our democratic system; they do it differently in Russia.

There are many more, perhaps better, reasons why such coverage is important. An editor may want to make up his own list.

Accentuate the positive

Rather than merely defend itself against moves to curtail coverage of crime and court news, the press might improve its position by going on the offensive.

Judge J. Skelly Wright, of the U.S. Court of Appeals for the District of Columbia, backed broader coverage of criminal justice in a Dec., 1964, ABA Journal article.

The surprise in his article, an adaptation of a talk given earlier at the ABA annual meeting, was the judge's support for televising of courtroom proceedings, starting with the Supreme Court.

"Think of the tremendous effect the telecasting of decision Mondays could have," he said. "Much of the vocal criticism of the Supreme Court stems from ignorance of the opinions themselves."

"The best answer that can be given to critics is: 'Read the opinion.' Since many of these critics don't read well, perhaps they should be given an opportunity to hear," he said.

Or take juvenile court.

District Judge Lester H. Loble, of Helena, Mont., makes a strong argument in the Feb., 1965, issue of The National Publisher for publicizing juvenile court proceedings—with names.

"The twin enemies of crime are fear of punishment and fear of publicity," he said. "Secrecy in the juvenile courts indicts the class and does not pinpoint the individual."

"Open public hearings with the parents present and full newspaper coverage gets results. Our law authorizes this in juvenile felony cases," Loble said.

"The woodshed is coming back, indifferent parents are diminishing—they don't want the publicity or the heat," Loble said. Juvenile felony cases in his district have decreased 49 percent, he said.

Some quotable quotes

Sam Ragan, executive editor of the Raleigh (N.C.) News and Observer and Times, past president of the AP Managing Editors Association:

"Newspaper men, lawyers, judges and law enforcement officials should calmly discuss any real or imagined problems in the matter of a free press and a fair trial.

"But neither the American Bar Association nor the North Carolina Press Association has the right to sit down and bargain away the rights of the American people.

"And the right to know is not only one of our most precious rights but an absolute necessity for the preservation of democracy, or indeed, of civilization."

*

Justice Hugo L. Black, writing for the Supreme Court in Bridges v. California:

"The only conclusion supported by history is that the unqualified prohibitions laid down by the framers were intended to give to liberty of the press, as to the other liberties, the broadest scope that could be countenanced in an orderly society."

*

Ralph Sewell, assistant managing editor of the Oklahoma City Times and Daily Oklahoman, president of Sigma Delta Chi:

"Certainly, newsmen are not against fair trial; they have fought for centuries to protect that right. But neither do we believe justice can flourish behind a wall of secrecy."

Sewell again:

"History, if it shows anything, shows that trials are almost never fair unless they are held openly, where any citizen can enter and observe and comment about what he sees.

"The courts are not private playgrounds for attorneys. They are public institutes, designed to protect both the rights of the accused and the rights of each and every citizen. . . .

"To say that citizens who hold the final sovereign power have only an abstract right to know seems to say that the sovereign operates best when ill informed and unintelligent."

*

Deputy Police Commissioner Robert Selfridge of Philadelphia, Pa.:

"The only way we can have the public aware is to have a free flow of information. The only restriction should be in the area of security and good taste," he said, and news media are "competent enough to set their own guidelines."

*

Gene Robb, publisher of The Albany (N.Y. Times-Union and Knickerbocker News, president of the American Newspaper Publishers Association:

"The paramount public interest that newspapers always must serve is

to get and print the news, exactly what they did in the Oswald case."

*

Newbold Noyes, editor of The Washington Star:

"Yes—we want fair courts, where the accused gets a fair break. But we also want a citizenry which is keenly aware of the magnitude of the crime problem confronting these courts, and of exactly how that problem is and isn't being met.

"We do have cases of improper trial by newspaper. But we also have crooked judges and politically motivated attorneys, and it is an open question whether the performance of the courts would be improved if they were discreetly removed from the public eye."

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Justice Michael A. Musmanno of Pennsylvania's Supreme Court:

"Curbing crime news is like recommending that no one talk about cancer on the theory that silence will cause cancer somehow to disappear."

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Ray Spangler, publisher of The Redwood City (Cal.) Tribune:

"That's what the right to know means. It means the right to become acquainted with people and with problems. It makes it possible for a good citizen to be a good citizen by reading his newspaper, by listening to his radio and by viewing his television. He at least has the tools with which to do his homework when the day comes for him to go to the polling place or to register a protest."

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Justice Tom C. Clark, writing for the Supreme Court in Irvin v. Dowd:

"It is not required, however, that the jurors be totally ignorant of the facts and issues involved. In these days of swift, widespread and diverse methods of communication, an important case can be expected to arouse the interest of the public in the vicinity, and scarcely any of those best qualified to serve as jurors will not have formed some impression or opinion as to the merits of the case.

"This is particularly true in criminal cases. To hold that the mere existence of any preconceived notion as to the guilt or innocence of the accused, without more, is sufficient to rebut the presumption of a prospective juror's impartiality would be to establish an impossible standard. It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court."

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John Knight, The Miami Herald:

"In countries where there is censorship of the press—either official or by intimidation—the citizens read only the news which is processed for them by the government.

"We want no such suppression in the United States, whether through 'managed news' or codes of journalistic ethics drafted by lawyers and accepted by a supine press.

"There can be no 'truth in news' if reporters are shackled by punitive restrictions and forced to accept a bar association's concept of what

should and what should not be printed."

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Justice Arthur J. Goldberg of the Supreme Court:

"It is often urged that these rights are incompatible; that there can be no 'impartial jury' or 'due process of law' unless the press is under the control of the courts.

"I, for one, cannot agree that these rights are incompatible; that one must be sacrificed if the other is to survive."

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Miles H. Wolff, executive editor of the Greensboro (N.C.) Daily News, president of the American Society of Newspaper Editors:

"I am willing—and I think most newspapermen are willing—to meet with members of the bar to discuss mutual problems and see what can be done without surrendering prerogatives guaranteed by the constitution."

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George Beebe, managing editor of The Miami Herald, president of the Associated Press Managing Editors Association:

"All we ask of our critics is that they be as accurate and as thorough in their investigation when they attack us, as we seek to be when we report about them. Too often they fail in this responsibility."

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Vincent S. Jones, executive editor of the Gannett Newspapers, former president of the Associated Press Managing Editors Association:

"I wonder if you attorneys have considered this unpalatable proposition: Newsmen, by training and daily practice, may be more objective than you lawyers, who are so passionately devoted to presenting just one side of the case."

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Benjamin M. McKelway, editorial chairman of The Washington Star:

"One thing that seems to be lacking in all the talk is appropriate emphasis on one fundamental principle. And it is unfortunate that the more vociferous spokesmen for the press and for the bar seem to have got themselves into the position of adversaries rather than allies in defense of this fundamental principle.

"The principle to which I refer has found expression in various forms, one of them being that without a free press fair trials would be impossible and without fair trials a free press would be impossible."

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Sen. Sam Ervin, of North Carolina:

"As a former judge at all levels on the bench, and as a lawyer, I share the deep concern of others for assuring that a fair trial is not endangered by adverse publicity.

"However, I also have a deep and everlasting respect for the constitutional guarantee of a free press and the corollary right of the public to know. There is no provision in the First Amendment that would allow us to bridle the few irresponsible newsmen while leaving the rest of the press —which constitutes the great majority—unfettered.

"Also, for every instance in which a defendant's case has been prejudged by an unfair press, there is another in which the press has exonerated an innocent person and revealed the identity of the true criminal.

"Moreover, our history is replete with contributions that a free press has made to our system of responsible government and to the proper administration of justice.

"We must be vigilant in making certain that any restrictions we place on the press does not limit its potential in making future contributions."

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Hu Blonk, managing editor, the Wenatchee (Wash.) Daily World: "Recently the United States Court of Appeals reversed the conviction of Tony Accardo, Chicago gangster, found guilty of making a false income tax return. The court held there had been 'prejudicial news reporting.' The papers had had a running account of Accardo's long unsavory past as a hoodlum, a fact everyone in Chicago knew. The newspapers were blamed for pre-conditioning the jurors. How could you find an 'uninformed juror' without assuming that this group of people lived in a vacuum in Chicago for the last 20 years and didn't know he was a vicious and evil man? The defense lawyers claimed the newspapers prejudiced the case. How long ago? Five years ago? Twenty years ago? Two weeks ago? At what point, we ask do you start blaming the press? . . .

"It is said newspapers have a responsibility not to prejudice the jury by bringing in matters which are not immediately germane and related to the case being tried. Yet during trial, we newsmen know, some attorneys, as a tactic, will pursue a line of questioning of a witness which the judge, on the objection of either side, orders stricken from the record. He then instructs the jury to disregard what it has heard. Do you think a jury is any less influenced by this than it is by similar matters published in the press?"

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Robert C. Notson, managing editor of the Portland Oregonian:

"Administration of justice is not the private affair of arresting officers, the lawyers, the judges, the defendants. It is the business also of the people, and the public is an appropriate factor in every case at bar. In no other way can the public judge the effect and application of its laws, the efficiency of its law enforcement officers, the dispensing of justice by its courts.

Date Due

DUE	RETURNED	DUE	RETURNED